

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

MACK INDUSTRIES LTD, *et al.*

Debtors,

RONALD R. PETERSON, as chapter 7 trustee for
Mack Industries, Ltd.

Plaintiff/Appellant,

v.

SYNCHRONY BANK, *et al.*,

Defendants/Appellees.

Chapter 7

Case No. 17-09308
(Jointly Administered)

Honorable Carol A. Doyle

Adversary Case. No. 19-00368

District Court Case No. 21-cv-01519

The Honorable Martha M. Pacold

JOINT STATUS REPORT

Plaintiff-Appellant Ronald R. Peterson, as Chapter 7 trustee for Mack Industries Ltd., (the “Trustee”) and Defendants-Appellees Capital One, N.A., Capital One Financial Corp., and Menard Inc. (the “Capital One Defendants”), along Synchrony Bank and Lowe’s Companies, Inc., Defendants-Appellees in Case No. 21-cv-01519 (the “Synchrony Defendants”), which action was re-assigned to this Court as related (ECF NO. 15), by their respective counsel, and pursuant to this Court’s Minute Order dated July 8, 2021 (ECF No. 16), hereby submit this Joint Status Report and state as follows:

1. On November 24, 2020, the Trustee filed his Notice of Appeal and Motion for Leave to Appeal an interlocutory order entered in the adversary bankruptcy proceeding (Case

No. 19-00372) (the “Adversary Action”) dismissing Count I of the Trustee’s Amended Complaint against the Capital One Defendants.

2. The Trustee also filed separate Notices and Motions for Leave in two other adversary actions: *Peterson v. TTS Granite Inc.*, Case No. 20-cv-6990, which was pending before Judge Valderamma; and *Peterson v. Ferguson Enterprises Inc.*, Case No. 20-cv-6992, which is pending before Judge Kendall.

3. The Trustee then filed in the first-filed district court action (*TTS Granite*) a Motion to Reassign all three proceedings as “related” and, thus, to have this action and the *Ferguson Enterprises* case re-assigned to Judge Valderamma.

4. The Trustee then settled with TTS Granite and an order of dismissal was entered in that case on June 2, 2021, mooted the motion to re-assign.

5. Meanwhile, the Trustee filed a Notice of Appeal and Motion for Leave to Appeal an interlocutory order entered in the adversary bankruptcy proceeding involving the Synchrony Defendants (Case No. 19-00372), which was originally assigned to Judge Jorge Alonso, but then transferred to this Court as related.

6. The Trustee then filed another Motion to Reassign this action, along with the action pending against the Synchrony Defendants, with the action against Ferguson Enterprises pending before Judge Kendall (Case No. 20-cv-6992). Capital One opposed the reassignment and filed a brief in opposition. While that Motion to Reassign was still pending, the Trustee and Ferguson Enterprises informed the Court that they had reached a “settlement in principle” and that once the settlement is approved by the Bankruptcy Court, they would be withdrawing that Motion to Reassign.

7. On July 14, 2021, Judge Kendall then entered a minute order re-setting the matter for a hearing on the status of any settlement for August 16, 2021.

8. In the meantime, the Trustee filed notice of appeal and motions for leave to appeal in four additional cases:

- a. *Peterson v. Premier Electric Services Corp.*, 21-cv-2967, assigned to Judge Kocoras;
- b. *Peterson v. Superior Stairs Inc.*, 21-cv-3113, assigned to Judge Seeger;
- c. *Peterson v. Bestway Heating Company Inc.*, 21-cv-03123, assigned to Judge Coleman; and
- d. *Peterson v. J.P. Plumbing Inc.*, 21-cv-3127, assigned to Judge Dow.

9. The Trustee had filed a motion to reassign these cases to Judge Kendall, but that motion will be mooted by the settlement as well. When the *Ferguson* matter is dismissed, the Trustee intends to file a motion to reassign those cases to this Court. The Capital One and Synchrony Defendants oppose reassignment of the Trustee's cases against these other vendors and plan to file a brief in opposition. Once that motion to reassign is resolved, the parties can proceed with briefing on the motions for leave to appeal.

Dated: July 22, 2021

RONALD R. PETERSON, as trustee

By: /s/ Isaiah Fishman
One of His Attorneys

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CAPITAL ONE, N.A., CAPITAL ONE
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SYNCHRONY BANK and LOWE'S
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CERTIFICATE OF SERVICE

I, Ann E. Pille, an attorney, certify that on July 22, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's CM/ECF system.

/s/ Ann E. Pille